

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0654

HOUSE APPROPRIATIONS

ENGROSSED NO. **SB 191** - 2/28/2011

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on Appropriations at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to revise certain provisions providing for the sales tax on
2 food refund program.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 28-1-71 be amended to read as follows:

5 28-1-71. To be eligible for the sales tax on food refund program, a person shall:

6 (1) Be a South Dakota resident;

7 (2) Be the head of the household and certify the number of persons in the household;

8 (3) Have countable income above one hundred thirty percent and below one hundred
9 fifty-one percent of the federal poverty level, as updated annually by the Department
10 of Social Services in administrative rules promulgated pursuant to chapter 1-26;

11 (4) Not be a current recipient of ~~food stamp~~ supplemental nutrition assistance program
12 benefits.

13 Section 2. That § 28-1-73 be amended to read as follows:

14 28-1-73. To receive sales tax on food refunds pursuant to §§ 28-1-70 to 28-1-77, inclusive,



a household shall:

- ~~(1) Apply apply for a quarterly an annual refund during an annual enrollment period on forms prescribed by the Department of Social Services using the prior three month periods's income;~~
- ~~(2) Certify that any refund received will only be used to purchase food as defined in §§ 10-45-1 and 10-46-1; and~~
- ~~(3) Report quarterly on forms prescribed by the Department of Social Services to continue eligibility for a refund.~~

Section 3. That § 28-1-74 be repealed.

~~28-1-74. At the time in which a household has been accepted into the sales tax on food refund program, the household is entitled to a quarterly refund of the estimated amount of sales tax on food paid as determined in § 28-1-75.~~

Section 4. That § 28-1-75 be amended to read as follows:

28-1-75. The estimate of sales tax on food paid or refund awarded under this program shall be determined based on:

- (1) The thrifty food plan as adopted and updated annually in administrative rules promulgated by the Department of Social Services pursuant to chapter 1-26; and
- (2) The number of individuals in the household.

A monthly allotment shall be determined based on the thrifty food plan's maximum allotment and the corresponding number of individuals in the household. Once the monthly allotment is determined, it shall be annualized and multiplied by the average sales tax rate in South Dakota as determined by the Department of Revenue and Regulation. This shall be the annual level of refund eligible for the household. ~~The annual refund shall be converted to a quarterly refund. This shall be the amount of eligible refund to the household.~~

1 Section 5. That § 28-1-76 be repealed.

2 ~~28-1-76. If a household is a participant in the food stamp program administered by the~~
3 ~~Department of Social Services under chapter 28-12 for any of the period in which a refund is~~
4 ~~computed under § 28-1-75, those food stamp benefits shall be deducted from any refund~~
5 ~~received under the provisions of §§ 28-1-70 to 28-1-77, inclusive.~~

6 Section 6. That § 28-1-77 be amended to read as follows:

7 28-1-77. The method of payment utilized to make payments authorized by §§ 28-1-70 to 28-
8 1-77, inclusive, shall be made by ~~electronic debit card or by paper~~ warrant.

9 Section 7. That section 5 of chapter 140 of the 2009 Session Laws be amended to read as
10 follows:

11 Section 5. ~~Any amounts appropriated in this Act not lawfully expended or obligated shall~~
12 ~~revert in accordance with the procedures prescribed in chapter 4-8. The provisions of § 4-8-21~~
13 ~~do not apply to the moneys appropriated by section 3 of this Act.~~